



***NATIONAL CITY POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE***

January 22, 2018

Darren Pierson, Corporal
[REDACTED]
[REDACTED]

Ref: Skelly v. State Personnel Board

Dear Corporal Pierson,

In accordance to Skelly v. State Personnel Board (1975) 15 Cal.3d 194 and the City of National City Civil Service Rule VIII Section 801 through 810, I hereby advise you that I have made the decision to Affirm your twenty (40) hour suspension from your position as a Police Corporal with the City of National City.

A pre-disciplinary appeal was held before me on January 16, 2018. You were present and were represented by Attorney Rick Pinckard. You and your representative made oral statements and in general there was no denial regarding the factual actions in this case.

Attorney Pinckard stated the discharge of the weapon was unintentional and not negligent and made on a bona fide felony hot stop after a pursuit. While there is a significant amount of stress and pressure in a felony hot stop, it important that police officers exercise both officer and community safety simultaneously.

As a result of your actions you violated the below mentioned policies which are listed for your convenience:

VIOLATION(S):

1. Rules and Regulations 5.0 – Performance of Duty:

“Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department.”

*1200 National City Boulevard
National City, CA 91950
(619) 336-4511/Fax (619) 336-4525
www.nationalcitypd.com*



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2. Operating Procedure 051-Firearms:

Employees, "Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

This letter serves as notice that the National City Police Department will move forward with a forty (40) hour suspension from your position as a Police Corporal with the City of National City. Note that this a 40 hours suspension is based upon any one of the above violations and need not be based upon your commission of more than one violation.

RIGHT TO RESPOND

In accordance with Civil Service Rule VIII, Sections 806 and 807, you have the right to appeal your Suspension to the Civil Service Commission. If you wish to appeal, your written request for appeal must be delivered within 15 calendar days of the date of this communication (January 22, 2018) to the Human Resources Department located at 140 E. 12th Street, Suite A, National City, CA 91950. Failure to submit a written appeal to the Civil Service Commission within 15 calendar days shall be deemed a waiver of your right to appeal and forfeiture of your right to a hearing before the Civil Service Commission.

Sincerely,

Manuel Rodriguez
Chief of Police

CC: Angil Morris-Jones
Stacey Stevenson

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 1 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF
THE CHIEF OF POLICE AND/OR CITY ATTORNEY

SUBJECT OFFICER: Name: Darren Pierson
Rank: Corporal
NCPD ID #: 440
Date of Hire: 01/30/2007
Assignment at time of incident: Patrol-FTO

WITNESS OFFICER(S): Name: Kevin Engelke
Rank: Officer
NCPD ID #: 485
Date of Hire: 12/10/2014
Assignment at time of incident: Patrol-Training

Name: Raziel Quiroga
Rank: Officer
NCPD ID #: 457
Date of Hire: 09/25/2007
Assignment at time of incident: Patrol-K9

CIVILIAN WITNESSES: A number of witnesses were identified in the attached written reports. Many of them simply because they were contacted. The majority of them had nothing to contribute to this investigation. In the witness statement portion of this report I will identify any witnesses who provided statements valuable to this investigation and synopsise their statements. Their contact information can be found in the criminal reports.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 1

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 2 of 39

Date of Incident: Tuesday, March 10, 2015
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SUMMARY:

On Tuesday, March 10, 2015 at about 1735 hours, Canine Officer Quiroga initiated a traffic stop on a black Honda Accord bearing California license plate [REDACTED] for not having a front license plate; a violation of Vehicle Code 5200. The vehicle failed to yield and led Officer Quiroga on a short pursuit through a residential neighborhood. The vehicle eventually yielded in the 000 block of Gladiola Drive in National City where this incident occurred.

Officer Quiroga initiated a high risk vehicle stop on the Honda and ordered the driver, Jesus Anthony Flores-Azhocar, to show him his hands. Flores complied with Officer Quiroga's orders and stuck his hands and arms out the open driver's door window. Corporal Pierson and Officer Engelke arrived on scene and assisted with the [REDACTED]

Corporal Pierson moved to Officer Quiroga's position on the [REDACTED] of his vehicle so Officer Quiroga could get his Police Service Dog from the rear kennel area of the car. Corporal Pierson positioned himself at the [REDACTED]. As Corporal Pierson raised his handgun to point it at Flores, he accidentally discharged his firearm. The bullet struck Flores on his left arm.

At the time of this incident, Flores was an unlicensed driver and was wanted for a misdemeanor \$5000 warrant for 647(b) PC-Disorderly Conduct: Prostitution.

I became involved in this investigation as the Internal Affairs Investigator when I received a phone call from my supervisor, Lt. Keith Fifield.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 2

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 3 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

ALLEGATIONS:

Corporal Pierson accidentally shot Jesus Anthony Flores-Azhocar during a [REDACTED]
[REDACTED] The related Operating Procedures and/or Rules and Regulations that are possibly alleged are:

- **Rules and Regulations 5.0- Performance of Duty**

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

The previous paragraph does not include the entire rule and regulation. It includes the pertinent information that applies to this investigation.

- **Operating Procedure 051-Firearms**

"Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

The previous sentence does not include the entire operating procedure. It includes the pertinent information that applies to this investigation.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 3

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 4 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
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Subject: Shooting of Jesus Anthony Flores-Azhocar

INVESTIGATION:

On Tuesday, March 10, 2015, at about 2000 hours, I received a telephone call from Lt. Keith Fifield regarding an officer involved shooting.

At the time of this incident the assigned Internal Affairs Investigator, Sergeant David Bavencoff was not available. I responded to the area of Gladiola Drive and E. Division Street and met with several NCPD investigators and staff. Criminal Investigator J.C. Smith from the San Diego County District Attorney's Office was also present. I was assigned the role of Internal Affairs Investigator. Detective Corporal Leiderson Zeferino is assigned lead detective.

I attended a briefing regarding the incident led by NCPD Detective Zeferino. During the briefing Detective Zeferino relayed the facts of the case he and the other investigators had obtained to that point. I learned Corporal Darren Pierson shot suspect Jesus Anthony Flores-Azhocar one time in the left arm during a [REDACTED]. Canine Officer Raziel Quiroga initiated a traffic stop on the Honda Flores was driving. Flores failed to yield and led Officer Quiroga on a short pursuit through the residential area. Officer Kevin Engelke was riding with Corporal Pierson in a training car as a probationary officer in training.

Corporal Pierson and Officer Engelke were transported to NCPD. Officer Quiroga remained at the scene with investigators to care for his canine partner who was kenneled inside his patrol car in the secure crime scene.

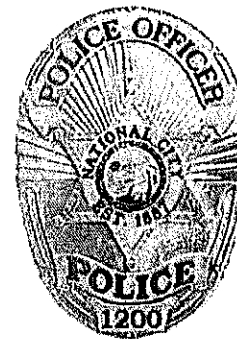
Following the briefing, detectives conducted a video recorded walk through of the shooting scene where Officer Quiroga recreated the incident for investigators. I participated in the walk through.

Following the walk through, I responded to NCPD to sit in on the interview of Corporal Pierson. He was represented by LDF Attorney Rick Pinckard.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 4

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National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 6 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

The lab report is attached to this report for review.

During a further review of the criminal investigation, I read a report written by Detective A. Depascale in which he interviews witness [REDACTED].

[REDACTED] provided a statement and also admitted he videotaped a portion of this incident using his cellular phone. The following is a synopsis of the contents of the video obtained from [REDACTED] written by Corporal Depascale:

The video essentially depicts NCPD officers, including Officer Pierson, walking about the area of the traffic stop and tending to someone seated on the ground. [REDACTED] can be heard on the video yelling that the officers shot a stoner and asking, Are you happy? [REDACTED] said he made these statements because he was initially upset. [REDACTED] said he knows the person who got shot and has seen him around the neighborhood.

According to Detective Zeferino's report, Flores sustained a single gunshot wound resulting in comminution (splintering) of the bones within the region of the left elbow (proximal ulna, distal ulna, and olecranon).

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 6

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 5 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

Prior to the interview, Corporal Pierson and Attorney Pinckard expressed their interest in allowing Investigator J.C. Smith, Lt. Keith Fifield and I to sit in and/or participate in the interview. I discussed the issue with Detective Zeferino. He didn't have any opposition to this idea.

In the weeks that followed this incident, I gathered all the written reports prepared by NCPD investigators and copies of all impounded video and audio evidence. Copies of all reports and video and audio evidence are included in this file.

Interviews conducted with the suspect, civilian witnesses, and involved officers are synopsisized later in this report. The statements were taken from the reports written by officers conducting the criminal investigation.

In addition to reviewing the related reports, I reviewed Corporal Pierson's training file and department qualification shoot records. I was able to locate records related to department training shoots in which Corporal Pierson participated in dated March 8, 2013, March 11, 2014, and a certificate from the Riverside County Sheriff's Office where Corporal Pierson completed 8 hours of "Firearms/Tactical Handgun, ADV.-PSP" dated May 14, 2014. Department records pertaining to qualification shoots appear to be incomplete, however, Corporal Pierson's handgun qualifications appear to be current based on Department Operating Procedure 51.1 which requires officers to complete two department approved firearms shoots annually.

As part of the criminal investigation, Detective Zeferino submitted Corporal Pierson's service weapon, a [REDACTED] caliber [REDACTED] pistol (S/N [REDACTED]) to the San Diego County Sheriff's Department Regional Crime Laboratory for examination. The gun was tested by the lab. Under the "Conclusions" heading of that report the examiner wrote the following:

"The [REDACTED] pistol (Item 3) is operable and the magazine (Item 4) is correct for the pistol. The unexpended cartridges (Item 4) are correct for the pistol and are consistent with [REDACTED] ammunition."

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 5

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National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 7 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

COMPLAINANT INTERVIEW:

Detective Depascale contacted suspect Flores at UCSD Medical Center the night of this incident and documented the following statement:

Statement of Jesus Anthony Flores-Azhocar:

On 03-10-15, Flores was in his vehicle driving home. Flores had been smoking marijuana a little bit before the incident. Flores said, I always smoke weed. I'm not going to lie.

He was traveling northbound on E Avenue in National City and was headed toward Shelltown. Flores passed a police officer who was traveling in the opposite direction. Flores initially said he was on E Avenue but later said he was on D Avenue when he first saw the officer. Flores became nervous because the police officer was looking at him and because he had misdemeanor warrants.

Flores noticed the police officer make a U turn. Flores believed the officer was trying to catch up to him so he tried to drive away and ditch the officer. Flores increased his speed to about 50 miles per hour and then made an eastbound turn on 3rd Street. Flores initially said he did not run any stop signs.

Later, when asked again if there was a good chance he failed to stop at any stop signs Flores said, I don't remember I just think I took off. I don't know. Flores made another northbound turn on an unknown Street. Flores heard the officer's sirens. The officer's sirens were on because Flores went fast. There was traffic ahead of Flores so he was forced to stop his vehicle.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 7

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 8 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

The police officer turned on his lights, stopped behind Flores, and began giving commands. Flores complied with the commands and held his hands out the window. Flores described his body position as hands out in the air extended toward the officer giving the commands while seated in the driver's seat of his vehicle. Flores was slightly turned at his hips so that he was nearly facing the officer behind him. Flores stayed in this position for a good minute or approximately one minute. A second officer with lighter skin arrived and stood near the driver's side door of the darker skinned officer's vehicle.

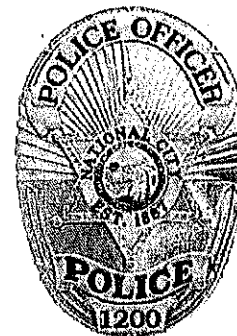
Approximately twenty seconds later, Flores heard a gunshot and felt pain to his arm. Initially, Flores didn't think he got shot with a firearm, he believed he was shot with a [REDACTED]. Flores got out of the vehicle and was given first aid by the officers.

Flores said he complied with the officers commands and he didn't do anything wrong. Flores claimed he was shot for no reason. Flores said, I'm going to sue his ass. You guys shot me for no reason. My brother has a good ass lawyer too."

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 8

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National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 9 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
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CIVILIAN WITNESS INTERVIEWS:

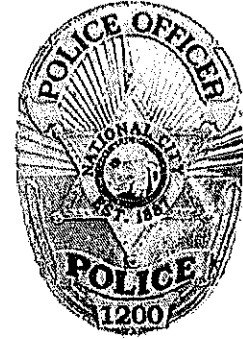
STATEMENT OF [REDACTED] (WITNESS):

On 03-10-15 at about 1730 hours, [REDACTED] was inside his studio apartment which is just behind the house at [REDACTED]. [REDACTED] heard the Police say "Show me your hands" two times, then he heard one gunshot. [REDACTED] came out of his apartment and looked over the fence onto Gladiola Drive and saw Police standing in the alley. [REDACTED] didn't hear anything after the gunshot.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 9

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D
Page 10 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

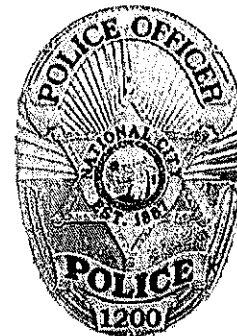
STATEMENT OF [REDACTED] (WITNESS):

On 03-10-15 at about 1730 hours, [REDACTED] was outside his house at [REDACTED] when he heard sirens. After he heard the sirens he saw everyone coming out onto the street.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 10

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 11 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS):

On 03-10-15 at about 1730 hours, [REDACTED] was outside his house at [REDACTED] on the east side of the house. [REDACTED] heard a vehicle drive by fast because he heard the noise from the motor. [REDACTED] also heard several Police vehicles sirens go by the front of the house fast then down Gladiola Drive just west of the house. [REDACTED] then heard one gunshot.

[REDACTED] came out onto the street and went to Gladiola Drive and could smell the gunshot and saw Police pulling a subject out of a vehicle and put him on the ground. Several other Police arrived and told [REDACTED] to stay out of Gladiola Drive.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 11

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National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 12 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS):

On 03-10-15 at about 1730 hours, [REDACTED] was in his driveway at [REDACTED] when saw and heard a police car go by with the lights and sirens on.

[REDACTED] saw a second police vehicle come from F Avenue and turn eastbound on East first then turn around and go westbound on East First. [REDACTED] then heard what he thought were two gunshots west of his house.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 12

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 13 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

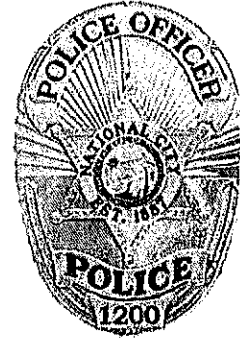
STATEMENT OF [REDACTED] (WITNESS): Officer Gisi

On 03-10-15 at about 1730 hours, [REDACTED] was home asleep at [REDACTED] apartment [REDACTED] woke up at about 1815 hours, and saw there were Police in the street in front of her apartment which faces Gladiola Drive. [REDACTED] did not hear or see anything involving the Police on Gladiola Drive until she woke up.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 13

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 14 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS):

On 03-10-15 at about 1730 hours, [REDACTED] was at home located at [REDACTED]. [REDACTED] heard police sirens outside his home. [REDACTED] looked outside his living room window to see what was going on. [REDACTED] saw police officers stop a vehicle with a male driver with his hand up and hanging outside the driver side window. [REDACTED] stated he heard a loud pop but did not know if it was a gunshot or back fire from a car muffler. [REDACTED] stated he did not witness anyone being shot.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 14

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 15 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS):

[REDACTED] stated he was on the sidewalk along the south side of 500 block of E. 01st Street, when he saw a vehicle driving westbound on E. 01st Street. The vehicle then made a right turn and started to drive northbound on Gladiola Drive.

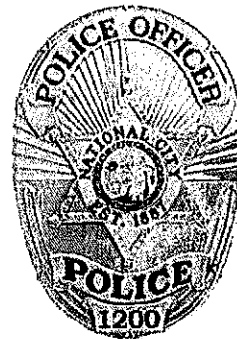
[REDACTED] noticed a patrol vehicle making a left turn from 'F' Avenue onto E. 01st Street. The patrol vehicle had its lights and siren activated and made a right turn onto Gladiola Drive. [REDACTED] then heard one gun shot. [REDACTED] did not see the shooting, but ran towards the alley and saw a young male holding his arm.

[REDACTED] then became very agitated and starting to yell that the "police didn't need to shoot him; they could have just beat him up". [REDACTED] then walked away and refused to provide any additional information.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 15

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 16 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS):

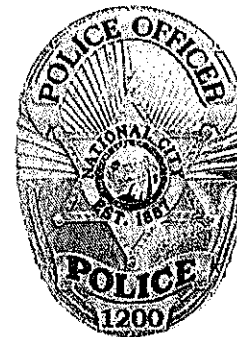
[REDACTED] stated that he was helping remodel his sister's house and was in the kitchen when he saw a Honda drive past the house. The Honda turned right and began to drive northbound on Gladiola Drive. [REDACTED] then saw a police vehicle with its lights and siren activated chasing after the Honda. The police vehicle drove northbound on Gladiola and disappeared from [REDACTED] view.

[REDACTED] stated he thought he heard one gunshot, but was not sure due to all the construction noise from the house.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 16

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 17 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

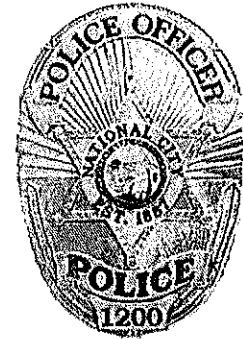
STATEMENT OF [REDACTED] (WITNESS):

On 03-10-15 at about 1730 hours, [REDACTED] was at home at [REDACTED] apartment [REDACTED] which faces Gladiola Drive. [REDACTED] heard several Sirens in front of his apartment. [REDACTED] did not look out or hear anything else. [REDACTED] always hears sirens go by his apartment on Gladiola Drive. [REDACTED] did not see or hear anything after the sirens.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 17

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 18 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS): Detective Fernando

On 3/10/15, at about 1535 hours, [REDACTED] was at home in his room playing video games. He heard a commotion outside of his window. [REDACTED] opened his window and saw a police car stopped behind a black Honda. The police officer was doing a traffic stop on the black Honda. The police officer was at the driver's side door of the police car with his gun pointed at the suspect (herein referred to as Flores).

The police officer was yelling out a series of commands to Flores such as "Hands up!", "Hands on your steering wheel!", "If you don't I will shoot you!"

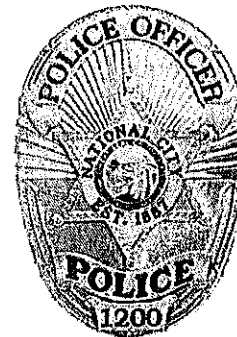
[REDACTED] went about his business and moved away from the window. Moments later, [REDACTED] heard a gunshot and ducked down. [REDACTED] moved back to the window and began filming the incident on his cell phone. [REDACTED] saw multiple police officers pointing their guns at Flores. Officers then took Flores out of the car and administered first aid to him.

[REDACTED] recognized the driver as an acquaintance known only as "Alert" and was initially upset about the shooting. [REDACTED] did not record the actual shooting.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 18

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 19 of 39

Date of Incident: Tuesday, March 10, 2015
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Location of Incident: 000 Gladiola Drive, National City
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STATEMENT OF [REDACTED] (WITNESS): Detective Fernando

[REDACTED] is the mother of [REDACTED]. [REDACTED] was asleep in her room when she heard the single gunshot. [REDACTED] got up but couldn't see out of her bedroom window because her view was blocked.

[REDACTED] went outside a few minutes later to throw away some papers and she saw multiple police cars in the alley. The only other person at her home was her son [REDACTED]. [REDACTED] husband was away at work at the time of the shooting.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 19

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 20 of 39

Date of Incident: Tuesday, March 10, 2015
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Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS): Officer Duran

[REDACTED] stated he heard sirens outside his residence, so he looked outside his west window which faced the 000 block of Gladiola Dr. [REDACTED] only saw a Hispanic NCPD police officer standing by his patrol vehicle and pointing his firearm at the suspect, who was sitting inside the driver's seat of a Honda Accord. According to [REDACTED] the suspect "had his hands up" and he heard the NCPD officer tell the suspect "put your hands up!" and "leave your hands up or I'm going to shoot you!"

[REDACTED] stated he walked away from the window, and then suddenly heard "a gunshot." [REDACTED] went back to the same window and saw that the Hispanic NCPD officer was hovering over the suspect. According to [REDACTED] he did not see the Hispanic NCPD officer fire his firearm at the suspect. [REDACTED] stated that the suspect is a friend of his

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 20

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**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 21 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF [REDACTED] (WITNESS): Officer Duran

[REDACTED] stated she heard sirens outside her residence, so she looked outside her [REDACTED] window which faced the 500 block of E Division St. [REDACTED] saw the suspect's hands were up and out the driver's side window, an NCPD patrol vehicle, but no NCPD officer(s) from where she was watching.

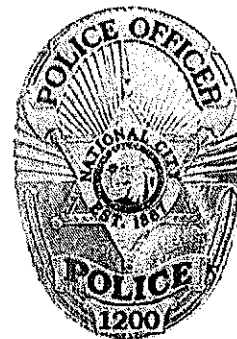
However, she heard someone saying something to the effect of "put your hands out the window!" [REDACTED] stated she walked away from the window, and then suddenly heard a "pop" and someone saying "put your hands out the window!" [REDACTED] walked to an [REDACTED] window, which faced the 000 block of Gladiola Drive, and saw that more NCPD patrol vehicles had arrived as well as NCPD officers.

According to [REDACTED] she did not see any NCPD officer fire their firearm at the suspect.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 21

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 22 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

████████████████████ (WITNESS): Detective A. Garcia

██████████ stated she was inside her residence when she heard sirens outside and noticed her husband, ██████████, looking out their living room window. ██████████ followed her husband and looked out the window. ██████████ saw a black color vehicle stopped "in the alley" (Gladiola Drive) and a police car behind it with its lights on. ██████████ heard a police officer yell "put your hands out the window".

██████████ noticed the driver of the black color vehicle place their hands out the window on the driver side. ██████████ stated she did not believe anything else was going to happen so she stopped looking out the window and went to check on her son.

Approximately two minutes later, ██████████ heard what appeared to be one gunshot immediately followed by someone saying, "Keep your hands out the window." ██████████ first made sure her son was safe and returned to the window to see outside.

██████████ looked out the window a second time and noticed someone sitting on the ground and laying against the west wall of ██████████ property located in the 000 block of Gladiola Drive. NCPD Officers were wrapping what appeared to be the individuals left arm while the individual was saying something like, "I don't want to die." ██████████ stopped looking out the window again for several minutes and later returned only to see the individual being taken away by an ambulance.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 22

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National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 23 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

██████████ (WITNESS):

██████████ stated he arrived home at approximately 1730 hours and was inside his residence when he heard what appeared to be a gun shot. ██████████ stated he heard approximately three other shots shortly after the first one.

██████████ went outside to see what was happening; however, NCPD Officers told him to go back inside the residence for his safety. ██████████ stated he noticed several people walking towards the scene who appeared to live west of his house. ██████████ stated he did not see or hear anything else.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 23

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 24 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

██████████ (WITNESS):

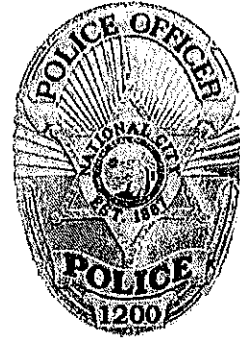
██████████ lives approximately half a block ██████████ of the incident location. ██████████ told me that he had been in his home for most of the day. At approximately 5pm ██████████ was in the kitchen and heard a, "Pop" sound coming from the east. ██████████ told me he thought it was a firecracker or a balloon popping. ██████████ said that prior to the, "Pop" sound he did not hear any sirens or hear anyone yelling. After hearing the, "Pop" ██████████ sat down and ate.

Approximately three minutes later he looked out the kitchen window and saw three police cars pull up in front of his house. After seeing the police cars ██████████ began to think that the, "Pop" sound may have been a gunshot. ██████████ stepped outside on to his porch and attempted to see what was going on but couldn't see anything. ██████████ then went back inside his apartment and watched T.V.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 24

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 25 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

██████████ (WITNESS):

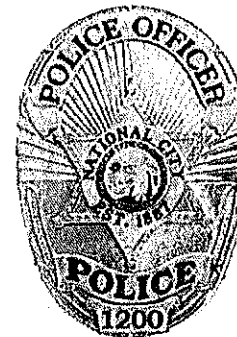
██████████ told me he was in his room watching T.V. at approximately 1700 hours. As he watched T.V he heard sirens approaching his residence. ██████████ told me it sounded like the sirens were coming from the west.

██████████ said he believes the sirens either passed in front or behind his building. As soon as the sirens passed his building ██████████ heard one, "Pop" sound. ██████████ said he thought it was a tire popping. Within minutes ██████████ saw police vehicles in front of his apartment building and decided to go outside and see what was going on. ██████████ went outside and attempted to approach the scene but was told by officers to leave the area. ██████████ never heard any yelling or screaming prior to the, "Pop" sound. ██████████ did not see the incident.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 25

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 26 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

██████████ (WITNESS):

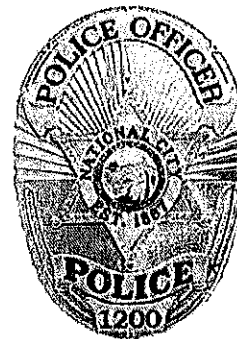
██████████ told me at approximately 1700 hours, she was sitting on her balcony. ██████████ balcony ██████████ toward the area where the incident occurred. After sitting on the patio for a while, ██████████ stood up and was about to walk back inside her apartment. As she stood up she heard sirens. ██████████ said the sirens sounded like they were approaching her building from the south. As the sound of the sirens got closer to her building they suddenly stopped. ██████████ said that within three minutes of the sirens stopping she heard one, "Pop." ██████████ thought this sound was a car backfiring. ██████████ said the dogs in the alley just east of her were barking like crazy. Within one minute of hearing the, "Pop" sound more sirens arrived and they parked in front of her apartment building. ██████████ and her husband, ██████████ decided to walk over and see what was going on. ██████████ and her husband approached the intersection of E. Division and Gladiola Dr. and saw a man sitting on the ground leaning up against a wall and an officer standing over him.

Just then another officer approached them and ordered them to get out of the scene. ██████████ did not hear any yelling or screaming prior to the, "Pop" sound.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 26

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 27 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

██████████ (WITNESS):

██████████ told me that at the time of this incident he was inside his apartment watching T.V. While watching T.V he faintly heard one, "Pop" sound from east of his location. ██████████ told me he thought this sound was a vehicle backfire.

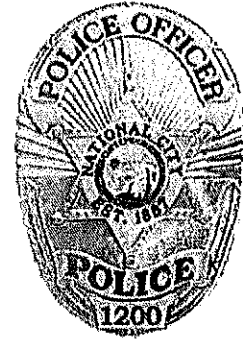
Shortly after hearing the, "Pop" ██████████ wife told him that something was going on and they decided to walk over and see what it was.

██████████ said when they reached the intersection of E. Division and Gladiola Drive, he saw a guy sitting on the ground and one or two officers standing over him. ██████████ said they were not close to the scene for long because other officers told them to get back. ██████████ said he never heard any sirens, yelling or screaming prior to the, "Pop" sound.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 27

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 28 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

██████████ (WITNESS): Detective Ballardo

██████████ told me at approximately 1700 hours he was in the kitchen of his home preparing food. The window in the kitchen of ██████████ residence faces Gladiola Dr. and is approximately ██████████ feet from where this incident occurred.

██████████ said that as he was in the kitchen he heard sirens coming down Gladiola Dr. The sirens were coming from the south. Then the sirens stopped directly in front of his residence on Gladiola Dr. ██████████ said he could not look out of his kitchen window because it is too high up to afford a good view. Realizing that something was going on in front of his residence, ██████████ walked in to his living room and looked out the window. The living room window in ██████████ residence faces ██████████ and affords a relatively clear view of the intersection of Gladiola Dr. and E. Division St.

When ██████████ looked out his living room window, he saw a black car that was stopped facing north and a police vehicle stopped behind it.

██████████ saw that the driver of the black vehicle had both of his arms sticking out of the driver's side window. ██████████ also saw two police officers standing by the driver's door of the police car. ██████████ said that both officers had their guns out and were pointing their guns toward the suspect/vehicle.

██████████ believed that the officers were yelling something to the subject in the black vehicle but he ██████████ could not hear exactly what they were saying. ██████████ then decided to open the window so he could hear what was going on.

As ██████████ momentarily looked down to unlock the window and pull it open he heard one, "Pop." ██████████ did not initially believe that this sound was a gun shot because he had never heard a gunshot like that before.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 28

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 29 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

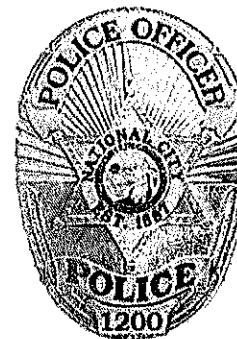
When [REDACTED] looked back out the window he saw the driver of the black vehicle had his arms pulled in the vehicle and his hands were still visible and sticking out of the window area of the vehicle.

[REDACTED] then heard one of the officers yelling commands to the driver of the vehicle, [REDACTED] did not see the gunshot and cannot identify the officer who fired the shot. After commands were given to the driver of the vehicle, [REDACTED] saw officers remove the driver from the black vehicle and sat him down on the ground.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 29

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 30 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

WITNESS OFFICER INTERVIEW(S):

STATEMENT OF OFFICER KEVIN ENGELKE:

On Tuesday, March 10, 2015 at about 1735 hours, Officer Engelke was partnered with Field Training Officer Darren Pierson. Officer Engelke was driving a marked patrol vehicle in the area of E. 6th Street and D Avenue. Officer Engelke heard a radio call that Officer Quiroga was following a vehicle and it was not pulling over. Officer Engelke believed the suspect was possibly wanted and that was the reason he did not pull over.

Officer Engelke responded with his emergency lights and siren activated to the area of E. 1st Street and F Avenue. Officer Quiroga then broadcasted that the vehicle had stopped in area of E. Division Street and Gladiola Drive.

Officer Engelke subsequently responded to the area and pulled in behind Officer Quiroga's patrol vehicle. Officer Engelke saw Officer Quiroga outside his vehicle, pointing his gun at the vehicle.

Officer Engelke and Corporal Pierson exited their patrol vehicle.

Officer Engelke saw the suspect's hands extended out the driver's window. The suspect's hands then started to go limp and it appeared to go back inside the vehicle. Officer Engelke said his view was partially obstructed so he wasn't sure where the suspect placed his hands. Officer Engelke then heard a gunshot. Officer Engelke looked over at Corporal Pierson. Corporal Pierson appeared to be looking at his gun and said, "Oh shit." The suspect then said, "I'm hit, I got shot."

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 30

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 31 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

Officer Quiroga then ordered the suspect to put his hands out the driver's window. Corporal Pierson ran up to the suspect vehicle and opened the door. At that point Officer Engelke saw that the suspect had been shot in the left arm. Officer Engelke and Officer Kalankiewics (who arrived on scene after the shooting) sat the suspect on the ground, patted him down and searched his pockets.

Officer Engelke and Kalankiewics then bandaged the suspect's wound and applied pressure to it until paramedics arrived on scene.

Officer Engelke said the suspect did not have any weapons in his possession. The suspect had a cellphone and a long skinny tool in his pocket. The suspect said he used the tool to pick doors

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 31

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 32 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF OFFICER RAZIEL QUIROGA:

On Tuesday, March 10, 2014 at about 1735 hours, Officer Quiroga was conducting extra patrol in the area of E. 3rd Street and B Avenue.

Officer Quiroga was turning northbound from E. 3rd Street onto B Avenue when he observed a black Honda Accord traveling northbound in the 300 block of B Avenue. The vehicle did not have a front license plate in violation of 5200(a) Vehicle Code.

The vehicle then turned eastbound onto E. 3rd Street. Officer Quiroga made a U-turn to get back onto E. 3rd Street to pursue the vehicle. When Officer Quiroga got onto E. 3rd Street he noticed the vehicle had picked up speed and failed to stop at the stop sign in the intersection of E. 3rd Street and D Avenue.

Officer Quiroga activated his emergency lights and attempted to conduct a traffic stop on the vehicle. The suspect vehicle failed to stop and continued traveling eastbound on E. 3rd Street. The vehicle then turned northbound onto F Avenue failing to stop at the stop sign and almost colliding with a vehicle traveling southbound on F Avenue. Officer Quiroga then activated his sirens and continued to pursue the vehicle.

The vehicle then turned westbound onto E. 1st Street traveling on the eastbound lane before turning northbound onto Gladiola Drive (alley). The vehicle sped through the alley and skidded to a stop at the intersection with E. Division Street.

Officer Quiroga caught up to the vehicle and initiated a [REDACTED] Officer Quiroga drew his handgun and pointed it at the suspect. The suspect immediately put his hands up. Officer Quiroga ordered the suspect to stick his hands outside the driver window and he complied. The suspect then placed his right hand back inside the vehicle out of Officer Quiroga's view. Officer Quiroga again ordered the suspect to stick his hands out the window. The suspect complied with Officer Quiroga's orders.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 32

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 33 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

About that time, Corporal Pierson and Officer Engelke arrived on scene. Officer Quiroga asked someone to come to his side and take over his position at the [REDACTED] [REDACTED]

As Officer Quiroga turned towards Corporal Pierson, he saw the suspect's hands come back down and then Corporal Pierson fired one shot.

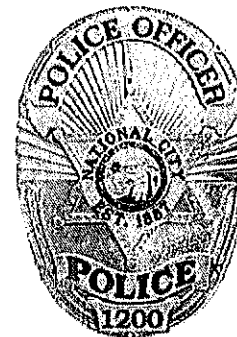
Corporal Pierson then said, "Oh shit." Officer Quiroga focused his attention back on the suspect and saw a piece of the driver side mirror fall to the ground. The suspect had both his hands back inside the vehicle. Officer Quiroga ordered the suspect to stick his hands out the window. The suspect complied and Officer Quiroga saw that the suspect sustained a gunshot wound to his left arm.

Officer Quiroga then changed his mindset from doing a [REDACTED] to rendering first aid to the suspect. Officers moved up to the vehicle and open the door. The suspect stepped out and Officer Quiroga escorted him off to the side where he took a seat on the ground. Officer Quiroga retrieved a gauze bandage and an ace wrap from his patrol vehicle. Officer Quiroga gave the gauze and the ace wrap to Officer Kalankiewicz to apply on the suspect's wound.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 33

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 34 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

SUBJECT OFFICER INTERVIEW:

STATEMENT OF CORPORAL DARREN PIERSON:

Pierson was working patrol with trainee, Officer Engelke, when he heard Officer Quiroga broadcast over the police radio that he was in a vehicle pursuit with a Honda Accord. Officer Quiroga put out that he was at Gladiola Drive. Corporal Pierson directed Officer Engelke to drive to the area.

Corporal Pierson is familiar with this particular area because it is on the border of the Old Town National City street gang and the Shelltown street gang from San Diego. Corporal Pierson has seen gang graffiti from Shelltown and their subset Gamma Street. Corporal Pierson has also made several arrests in the area.

When Corporal Pierson and Officer Engelke arrived on Gladiola Drive, he saw the suspect vehicle stopped right in the mouth of Gladiola Drive with E. Division Street. Officer Quiroga was behind the suspect vehicle and was conducting a [REDACTED]. Officer Quiroga was outside his driver's door pointing his gun at the suspect/driver.

Based on the fact the suspect failed to yield to Officer Quiroga, Corporal Pierson believed he was possibly driving a stolen vehicle, in possession of a firearm or contraband, or had just committed a felony crime. Corporal Pierson started to move to the front passenger side of Officer Quiroga's patrol vehicle when Officer Quiroga directed him to come to the driver's side.

Corporal Pierson moved to Officer Quiroga's position [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 34

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 35 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

[REDACTED]

Once Corporal Pierson was in position, Officer Quiroga holstered his handgun while Corporal Pierson removed his handgun from the holster. Corporal Pierson raised his handgun to point it at the suspect for the [REDACTED]. As Corporal Pierson raised his handgun, he re-adjusted his grip and unintentionally hit his right arm on the vehicle's [REDACTED]. As a result of hitting his arm, Corporal Pierson accidentally pulled the trigger discharging one bullet in a northerly direction, towards the suspect.

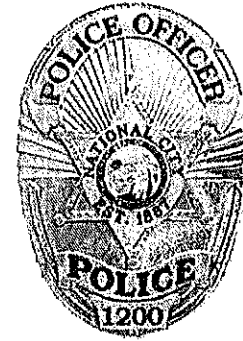
When Corporal Pierson heard the round go off it took him a "minute" to realize his handgun had moved and he discharged the round. Corporal Pierson and Officer Quiroga quickly changed their mindset from being concerned about what the suspect was doing and the threat he posed to now being worried about what condition he was in. The suspect leaned out the driver's window and said, "Hey, you shot me." Corporal Pierson and Officer Quiroga advanced on the vehicle and realized the suspect sustained a gunshot wound to his left arm. Corporal Pierson immediately requested paramedics and a supervisor respond to the scene.

Corporal Pierson and Officer Quiroga told the suspect they were going to pull him out of the vehicle and administer first aid to his injury. The suspect was subsequently taken out of the vehicle and sat down off to the side. Officers immediately applied bandages and pressure to the suspect's injury until paramedics arrived on scene.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 35

** Reviewing Lieutenant's signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 36 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

CONCLUSIONS/FINDINGS:

Corporal Pierson and his trainee, Officer Engelke properly responded to assist Officer Quiroga after monitoring a radio broadcast regarding a vehicle pursuit.

Upon arrival at the termination of the pursuit, Corporal Pierson took up a position at the [REDACTED] of Officer Quiroga's patrol car while his partner, Officer Engelke took up a position at the [REDACTED]. Officer Quiroga was initially positioned at the [REDACTED] with his handgun pointed at the driver of the pursued vehicle and was making verbal announcements to the suspect to show his hands.

Officer Quiroga is a canine handler. [REDACTED]
[REDACTED]
[REDACTED] Officer Quiroga [REDACTED] and left his position at the [REDACTED] to retrieve his canine from the back driver's side door of his vehicle.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

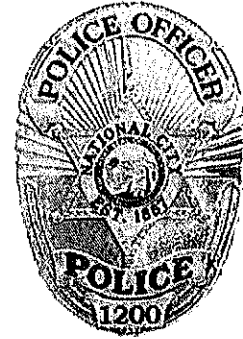
When Corporal Pierson moved into the [REDACTED] [REDACTED] he raised his handgun. When he re-adjusted his grip he unintentionally hit his right arm on the vehicle's [REDACTED]. As a result of hitting his arm, Corporal Pierson accidentally pulled the trigger discharging one bullet in a northerly direction, towards the suspect.

When Corporal Pierson heard the round go off it took him a "minute" to realize his handgun had moved and he discharged the round.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 36

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 37 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

Officer Engelke told investigators he heard Corporal Pierson say, "Oh shit" after discharging his handgun. This response further substantiates that Corporal Pierson's actions during this incident were plainly, an accident.

The actions of Officer Quiroga, Officer Engelke, and Corporal Pierson during this [REDACTED] [REDACTED] would not have been necessary at all had Flores simply yielded to Officer Quiroga when he initiated the traffic stop.

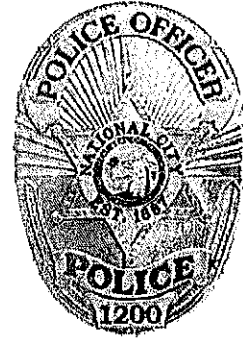
Flores admitted he had been smoking marijuana. He admitted he saw the officer looking at him as he drove by and got nervous because he had warrants. Flores also admitted he accelerated to speeds of 50 miles an hour in an attempt to ditch the officer.

Corporal Pierson found himself in dangerous, potentially life threatening situation. In an attempt to conduct the [REDACTED] using [REDACTED] he made a mistake by accidentally discharging his firearm.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 37

** Reviewing Lieutenant's signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

**National City Police Department
Investigator's Report**



Tracking # 15-2-D

Page 38 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

The following allegations are alleged with the listed findings:

Rules and Regulations 5.0- Performance of Duty

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

Corporal Pierson admitted, and all the evidence presented corroborate, he fired his handgun accidentally during the course of a legal and lawful attempt to conduct [REDACTED]. In this case he did not maintain sufficient competency to properly perform the duties of his position making this allegation: SUSTAINED

Operating Procedure 051- Firearms

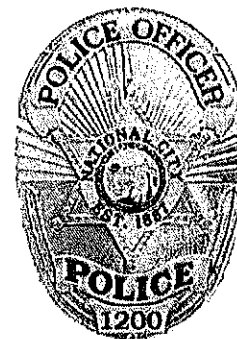
"Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

Corporal Pierson handled his firearm in such a way as to accidentally pull the trigger and discharge a round. In this case he carelessly handled a firearm making this allegation: SUSTAINED

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 38

**** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. ****

National City Police Department
Investigator's Report



Tracking # 15-2-D

Page 39 of 39

Date of Incident: Tuesday, March 10, 2015
Time of Incident: 1915 hours
Location of Incident: 000 Gladiola Drive, National City
Subject: Shooting of Jesus Anthony Flores-Azhocar

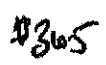
DOCUMENTATION:

The following documentation is attached:

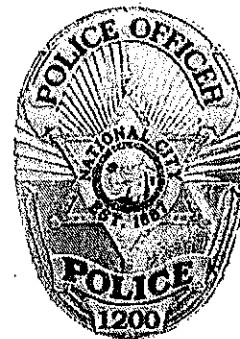
- One original Complaint and Tracking form
- (16) Compact discs containing video, audio and photos
- Related CAD printouts
- Handwritten notes
- Investigator reports
- San Diego County Sheriff's Lab Report
- Training records and certificate
- Property and evidence list
- Email communication
- Correspondence from San Diego County District Attorney's Office

 Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 39

** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

 0365 Graham, Lt. 10/26/17

**National City Police Department
COMMAND STAFF SUPPLEMENTAL
Recommendations Report**



I.A. Tracking # 15-02-D

RECOMMENDATIONS:

SUMMARY:

On Tuesday, March 10, 2015 at about 1735 hours, Canine Officer Quiroga initiated a traffic stop on a black Honda Accord bearing California license plate [REDACTED] for not having a front license plate; a violation of Vehicle Code 5200. The vehicle failed to yield and led Officer Quiroga on a short pursuit through a residential neighborhood. The vehicle eventually yielded in the 000 block of Gladiola Drive in National City where this incident occurred.

Officer Quiroga initiated a [REDACTED] on the Honda and ordered the driver, Jesus Anthony Flores-Azhocar, to show him his hands. Flores complied with Officer Quiroga's orders and stuck his hands and arms out the open driver's door window. Corporal Pierson and Officer Engelke arrived on scene and assisted with the [REDACTED].

Corporal Pierson moved to Officer Quiroga's position [REDACTED]

Corporal Pierson positioned himself at the [REDACTED]. As Corporal Pierson raised his handgun to point it at Flores, he accidentally discharged his firearm. The bullet struck Flores on his left arm.

At the time of this incident, Flores was an unlicensed driver and was wanted for a misdemeanor \$5000 warrant for 647(b) PC-Disorderly Conduct: Prostitution.

Due to the civil litigation on this case, this investigation was tolled for approximately one-year and a half (06/01/2015 – 02/08/2017).

Completed By: Lt. G. Young *[Signature]* ID#: 365 Division: Investigations Division Date: 10/26/17 1

Approved By: *[Signature]* ID#: 297 Division: *[Signature]* Date: 11/13/17

**National City Police Department
COMMAND STAFF SUPPLEMENTAL
Recommendations Report**



The following allegations are alleged with the listed findings by Sergeant Cameon:

Rules and Regulations 5.0- Performance of Duty

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

Corporal Pierson admitted, and all the evidence presented corroborate, he fired his handgun accidentally during the course of a legal and lawful attempt to conduct a high risk vehicle stop. In this case he did not maintain sufficient competency to properly perform the duties of his position making this allegation: **SUSTAINED**

Operating Procedure 051- Firearms


"Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

Corporal Pierson handled his firearm in such a way as to accidentally pull the trigger and discharge a round. In this case he carelessly handled a firearm making this allegation: **SUSTAINED**

RECOMMENDATIONS:

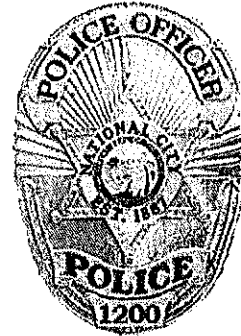
I have reviewed Sergeant Cameon's investigation, IA #15-02-D in its entirety. I concur with both of his findings and conclusions in this investigation. For the first allegation regarding **Rules and Regulations 5.0 - Performance of Duty**, in this case Corporal Pierson did not maintain sufficient competency to properly perform the duties of his position making this allegation: **"SUSTAINED."**

As for the second allegation regarding **Operating Procedure 051- Firearms**, in this case Corporal Pierson handled his firearm in such a way as to accidentally pull the trigger and discharge a round. In this case he carelessly handled a firearm making this allegation: **"SUSTAINED."**

Completed By: Lt. G. Young  ID#: 365 Division: Investigations Division Date: 10/26/17 2

Approved By:  ID#: 297 Division: ADMIN Date: 11/13/17

National City Police Department
COMMAND STAFF SUPPLEMENTAL
Recommendations Report



Based upon the totality of events surrounding this incident and in following the structure of progressive discipline, I recommend that Corporal Darren Pierson receive a "Written Notice of Deficiency" for the above-noted violations.

AA SEE ADJUDICATION FOR RECOMMENDED
DISCIPLINE. DMB

Completed By: Lt. G. Young ID#: 365 Division: Investigations Division Date: 10/26/17 3

Approved By: DMB ID#: 297 Division: ADJ Date: 11/13/17

**NATIONAL CITY POLICE DEPARTMENT
MEMORANDUM**

Date: November 13, 2017

To: Manuel Rodriguez, Chief of Police

From: David M. Espiritu, Captain

Subject: Adjudication IA 15-2-D

On March 10, 2015, at about 1735 hours, Canine Officer Quiroga initiated a traffic stop on a black Honda Accord for not having a front license plate. The vehicle failed to yield and a short pursuit ensued. The vehicle eventually stopped in the 000 block of Gladiola Drive in National City and a [REDACTED] was initiated. The driver, Jesus Anthony Flores-Azhocar stuck his hands and arms out the open driver's door window, as directed by Officer Quiroga. Corporal Pierson and Officer Engelke arrived and assisted with the [REDACTED]. Corporal Pierson positioned himself at the [REDACTED] of Officer Quiroga's vehicle. As Corporal Pierson raised his handgun to point it at Flores, he accidentally discharged his firearm. The bullet struck Flores on his left arm.

I have reviewed and concur with the sustained findings of IA report #15-2-D.

Corporal Pierson violated:

- Department Operating Procedure 051, which partially states the following:
"Officers shall not carelessly handle a firearm at any time."
- Rules and Regulations 5.0, which partially states the following: "Employees shall maintain sufficient competency to enable them to properly perform the duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

Based on Sergeant Cameon's investigation, Lieutenant Young recommended that Corporal Pierson receive a "Written Notice of Deficiency." I disagree to the recommended discipline and believe the appropriate level of discipline should be suspension.

Rationale:

This investigation has revealed that Corporal Pierson did not maintain sufficient competency to properly perform his duties, which resulted in the carelessly handling of his firearm. As a result of Corporal Pierson accidentally discharging his weapon, a

complying suspect sustained a gunshot wound and broken left elbow, which required surgery.

[REDACTED]

Therefore, I recommend Corporal Pierson be Suspended for (40) hours.

Complainant: Department initiated

Investigator: Sgt. Christopher Cameon

This case is adjudicated and the Command will issue a Notice of Intent to Discipline for a (40) hour suspension, to Corporal Pierson within the next 30 days, for violation of the listed Department Operating Procedure, Rules and Regulations.



David M. Espiritu, Captain



NATIONAL CITY POLICE DEPARTMENT MEMORANDUM

DATE: March 16, 2015
TO: Darren Pierson, Corporal
FROM: Chris Cameon, Internal Affairs Sergeant
SUBJECT: Internal Affairs Notification Letter

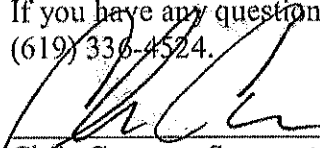
Complainant: Department Initiated
Date of Incident: March 10, 2015
Location of Incident: 000 Gladiola, National City
Allegation: Officer Involved Shooting
Incident No: 1501541
IA Tacking No: 15-2-D

This is to inform you that a Department initiated investigation will be conducted regarding your involvement in the shooting of Jesus Flores-Azhocar. The investigation of this complaint will be handled by the Internal Affairs Division. I will contact you to arrange an interview if necessary. Please review all related reports prior to your interview.

As a sworn member of this department, you should be aware of your rights contained in Government Code Sections 3300-3311 (Peace Officer's Bill of Rights) or contact an employee representative or attorney for advice.

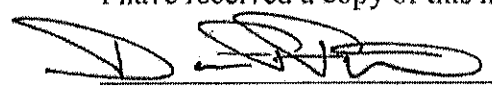
You are hereby ordered not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel.

If you have any questions, please feel free to contact the Internal Affairs unit at:
(619) 336-4524.


Chris Cameon, Sergeant
Internal Affairs Unit

10/26/17

I have received a copy of this memorandum and agree to comply with the orders issued:


Signature of Employee

10/20/2017
Date

NATIONAL CITY POLICE DEPARTMENT

COMPLAINT AND TRACKING FORM

☐ CITIZEN COMPLAINT

☐ VEHICLE DAMAGE REPORT

☒ DEPARTMENT INVESTIGATION

IA USE ONLY: DUE DATE
TRACKING NUMBER
15-2-D
COMMAND SIGNED:
CAMEON, IA
Name: **3/12/15**
INVESTIGATOR FINDINGS:
CAMEON
Name: **10/26/17**
FINDINGS:
☒ Sustained

☐ Not Sustained

☐ Exonerated

☐ Unfounded

☐ Withdrawn

TCVDR:
☐ Preventable

☐ Not Preventable

RECOMMENDATIONS BY:
G. Jones
Name: **10/26/17**
Concur w/Findings:
☐ Yes ☐ No

Report Attached:
☐ Yes ☐ No

Signature:
Completion Date:
ASST. CHIEF / CAPT. ADJUDICATION:
ESPINOZA
Name: **11/13/17**
Concur w/Findings and/or Recommendations:
☐ Yes ☒ No

Report Attached:
☒ Yes ☐ No

Signature:
Completion Date:
EMPLOYEE REVIEW:
YOUNG
Name:
ID#:
Appeal Hearing:
☒ Yes ☐ No

Date:
CHIEF'S REVIEW:
Name:
Date: **4-11-18**
Final Disposition:
☒ Yes ☐ No

Chief's Signature:
Completion Date:

COMPLAINANT

NAME: _____ **DOB:** _____ **SEX:** _____ **RACE:** _____ **HGT:** _____ **WGT:** _____

ADDRESS: _____ **HOME PHONE:** _____

CITY: _____ **ST:** _____ **ZIP:** _____ **CELL PHONE:** _____

EMPLOYED?: ☐ Yes ☐ No **OCCUPATION:** _____

WITNESS(ES)

ADD. WIT. PAGE ☐ Y ☐ N

NAME: **SEE ATTACHED** **DOB:** _____ **SEX:** _____ **RACE:** _____

ADDRESS: _____ **HOME PHONE:** _____

CITY: _____ **ST:** _____ **ZIP:** _____ **ALT. PHONE:** _____

NAME: **SEE ATTACHED** **DOB:** _____ **SEX:** _____ **RACE:** _____

ADDRESS: _____ **HOME PHONE:** _____

CITY: _____ **ST:** _____ **ZIP:** _____ **ALT. PHONE:** _____

INVOLVED EMPLOYEE(S)

ADD. OFF. PAGE ☐ Y ☐ N

ID#: **440** **NAME:** **PIERSON, DARREN** **ASSIGNMENT:** **PATROL** **UNIT#:** **226A**
ID#: _____ **NAME:** _____ **ASSIGNMENT:** _____ **UNIT#:** _____

ID#: _____ **NAME:** _____ **ASSIGNMENT:** _____ **UNIT#:** _____

RECEIPT METHOD

☐ IN PERSON ☐ PHONE ☐ LETTER ☐ CPRC ☒ INTERNALLY ☐ EMAIL ☐ OTHER

BY: **CAMEON, CHRIS** **ID#** **397** **ASGN:** **IA** **DATE:** **3/10/15** **TIME:** **1800**
INCIDENT LOCATION: **000 GUADALUPE** **DATE:** **3/10/15** **TIME:** **1735**
RELATED CASE NUMBER: **1501541** **AGENCY:** **NCPD** **NUMBER OF PHOTOS TAKEN:** **0**
RECEIPT DISPOSITION: ☐ FORMAL ☐ INFORMAL ☒ FORWARDED TO IA ☐ OTHER

SYNOPSIS OF INCIDENT

OFFICER DARREN PIERSON SHOT JESUS FLORES-AZHOAR DURING A
REFER TO ATTACHED INVESTIGATION FOR FURTHER INFORMATION REGARDING THE INCIDENT.

COMPLAINT ALLEGATION:

CATEGORY ONE

☒ Force
☐ Arrest
☐ Criminal Conduct
☐ Other

CATEGORY TWO

☐ Procedure
☐ Service
☐ Courtesy
☐ Conduct
☐ Other

EXTENSION DATE(S):

INV.

RECORD:

COLLISIONS AND VEH. DAMAGE REPT.:

Vehicle Number:
VDR-logged by:
Initially Appears:
☐ Preventable
☐ Not Preventable

Prior Preventable TC (Last 5 yrs) (IA):
Copy to Risk Mgr:
☐ Yes
☐ No
Date:

FINDINGS NARRATIVE FORMAT:

WITNESS LIST SUMMARY
ALLEGATIONS
INVESTIGATION
COMPLAINT INT
CIVILIAN WIT. INT
WIT OFF. INT
SUB. OFF. INT
FINDINGS/CONCLUS.
DOC. LIST

LETTER CODES:

D - Department
C - Citizen Complaint
M - VDR/TC/Dog Bite

COMPLAINANT NOTIFICATION:

☐ 1st _____
☐ 2nd _____
☐ 3rd _____

RETURN TO IA BY:

Name
Date:
PAGE 1 OF _____ **ADDITIONAL PAGES:** ☐ YES ☐ NO **COPY PROVIDED TO CITIZEN:** ☐ Y ☐ N

IA/USE ONLY
EMPLOYEE NOTIFICATION BY: **CAMEON** **ID#** _____ **DATE:** _____ **METHOD:** **Letter**
IA LOG DATE: **3/12/15** **LOGGED BY:** **FFB** **ID#** **294**



NATIONAL CITY POLICE DEPARTMENT COMPLAINT PROCEDURE FORM



The National City Police Department acknowledges its responsibility to establish a system of complaint and disciplinary procedures which not only subject its employees to corrective action when their conduct is improper, but also protects them from unwarranted criticism when their duties are discharged properly. It is our purpose to work with the community to provide, fair, and expeditious disposition of complaints about the conduct of our employees. The National City Police Department welcomes constructive criticism of our employees. The National City Police Department welcomes constructive criticism of our organization and valid complaints against its members or procedures as well as positive feedback for exemplary service.

We sincerely hope you will never need to make a complaint about our services. Should you need to, however, you may rest assured that we will objectively investigate your complaint, get to the truth, and take corrective action for any misconduct so as to preserve the public trust. Your complaint and concerns will be given the most serious consideration.

ANSWERS TO COMMON QUESTIONS ABOUT OUR COMPLAINT PROCESS

What If I want to make a complaint? If you believe that a member of the National City Police Department has committed an act of misconduct, you may ask to speak to a supervisor. The supervisor will discuss the matter with you and may be able to resolve the issue immediately and to your satisfaction. This is referred to as an inquiry. You may also choose to file a formal complaint. Certain types of complaints may require they be handled formally.

Where do I go to make a complaint? You may get in touch with a supervisor by calling our 24-hour police dispatch phone number at (619) 336-4411. You may also go directly to the lobby of our Police Facility, located at 1200 National City Blvd. in the City of National City, during normal business hours (Monday thru Friday, 7:30am until 5:30pm)

What happens after I file a complaint? If a supervisor handles your complaint informally, the matter will be discussed with the involved employee. The supervisor will provide the employee with correction, guidance or training as necessary. The supervisor may simply explain your position, so that similar instances may be better handled in the future.

If you choose to file a formal complaint, it will be forwarded to the Internal Affairs Unit for processing and assignment. Once your complaint is assigned a tracking number you will receive written confirmation that your complaint has been assigned to an investigator within (7) days. You may be contacted by the investigator for a more detailed interview about your complaint.

Who will investigate my complaint? Complaints are normally assigned to the employee's direct supervisor for investigation. In some circumstances the complaint may be assigned to the Internal Affairs Unit.

What will happen to the involved employee? That depends on what was done and what the circumstances were at the time. If the investigation finds that the employee conduct was improper, the employee may be disciplined.

Will I be told when the investigation is completed? Yes, you will be notified by mail that the investigation has been completed and will be told the disposition. California Penal Code 832.7 requires disciplinary matters to be kept confidential, thus you will not be told the type or amount of discipline imposed.

Written complaints may be submitted on the backside of this form either in person at the National City Police Facility, or by mail to:

National City Police Department
Internal Affairs Unit
1200 National City Blvd.
National City, CA 91950

If you have any additional questions about our complaint process you may contact the Internal Affairs Unit directly at (619) 336-4508.

COMPLAINT WITHDRAWAL

I now believe that the conduct or performance of the involved officer or employee of the National City Police Department was justified, legal or in compliance with the rules, regulations, or procedures of the National City Police Department or state law.

I therefore, withdraw my complaint without fear of any threat, coercion or intimidation.

Signature: _____ Date: _____ Witnessed By: _____ Date: _____

Penal Code 148.6(a)(2) requires the following notification:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE MISCONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

I have read and understood the above statement. I hereby certify that the above facts are true and correct.

COMPLAINANT'S SIGNATURE

DATE

WITNESSED BY

